

# Order

Michigan Supreme Court  
Lansing, Michigan

February 7, 2014

Robert P. Young, Jr.,  
Chief Justice

147612

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 147612  
COA: 309951  
Washtenaw CC: 09-002072-FH

ROBERT PAUL GEORGE,  
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 27, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the April 9, 2012 order of the Washtenaw Circuit Court. It appears that the circuit court did not recognize that it could exercise its discretion to modify the method of the defendant's restitution payment under MCL 780.766(12), even where the defendant's restitution stemmed from a plea agreement. The statute makes no distinction between restitution ordered as a part of a plea agreement or otherwise. We REMAND this case to the circuit court for a determination under the statute whether payment under the existing order will impose a manifest hardship on the defendant or his immediate family, and whether modifying the method of payment will impose a manifest hardship on the victims. Upon making these determinations, the circuit court may, in its discretion, determine whether to modify the method of payment.



s0204

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 7, 2014

  
Clerk